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GREENBERG-TRAURIG
1750 TYSONS BOULEVARD, 12TH FLOOR
MCLEAN, VA 22102

EXAMINER

PADMANABHAN, KAVITA

ART UNIT PAPER NUMBER

2163

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/957,465

Applicant(s)

BORDNER ET AL.

Examiner

Kavita Padmanabhan

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/8/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. Claims 1-17 have been examined.
2. Claims 1-17 have been rejected.

Priority

3. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

Specification

4. The abstract of the disclosure is objected to because "also disclosed" at line 3 and "the present invention" at lines 5-6 and line 7 of the abstract are phrases which can be implied, and should therefore be avoided. Correction is required. See MPEP § 608.01(b).

5. The disclosure is objected to because of the following informalities:

The phrase "embodiment of the present" should be changed to --embodiment of the present invention-- at par [0023], line 1.

The words "they do" should be changed to --it does-- at par [0023], line 6.

Appropriate correction is required. The citations above are not meant to be exhaustive, and are provided as examples. The applicant is advised to correct other similar errors as required throughout the specification.

Claim Objections

6. **Claims [c0001], [c0005], [c0012] and [c0013]** are objected to because of the following informalities:

Claim [c0001] has two items denoted by the bullet letter "(c)," **claim [c0005]** has two items denoted by the bullet letter "(d)," and **claim [c0013]** is missing bullet lettering.

The numbering of **claim [c0005]** should be modified from "[c005]" to --c[0005]-- to conform to the numbering of the other claims.

Claim [c0012] recites "The system of claim 105." This is presumed to be a typographical error. The examiner presumes the applicant intends for claim [c0012] to depend from claim [c0009] and will apply prior art accordingly.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. **Claims [c0001]-[c0008] and [c0017]** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The methods claimed are not directed to statutory subject matter, in that they do not appear to necessitate the use of hardware to accomplish the steps therein.

The examiner will apply prior art to these claims as best understood, with the assumption that applicant will amend to overcome the stated 101 rejections.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2163

10. **Claims [c0001]–[c0003], [c0005]–[c0007], [c0009]–[c0011], and [c0013]–[c0015]** are rejected under 35 U.S.C. 102(b) as being anticipated by **Bohm et al.** (US 5,404,507, hereafter “Bohm”).

In regards to **claim [c0001]**, Bohm teaches a method for comparing a query against data contained within a database comprising the steps of:

- (a) receiving said query (**col. 6, lines 27-29**);
- (b) extracting a plurality of attributes from said query (**col. 6, lines 27-33, where a target word is interpreted to be an “attribute”**);
- (c) converting said plurality of attributes from said query, using at least one linguistic pattern matching analytical tool (**col. 4, lines 30-37, abbreviations; col. 5, lines 19-20, trigrams**), into a plurality of linguistic pattern strings (**Fig. 3, ref characters 303 and 304; col. 3, lines 48-53, 57-60; col. 5, lines 60-65; col. 6, lines 27-33, 39-42, 49-52, where the search expression is interpreted to be a “linguistic pattern string”**);
- (d) comparing said plurality of linguistic pattern strings with at least one stored linguistic pattern string from at least one stored attribute contained within said database for providing a set of matches (**col. 3, lines 61 – col. 4, line 8; col. 5, lines 9-11; col. 6, lines 27-52, 65-68; col. 7, lines 29-34**);
- (e) analyzing each match of said set of matches, using said at least one linguistic pattern matching analytical tool, to provide at least one set of matched attributes (**col. 7, lines 8-11, 15-28, 36-39**); and

(f) combining all of said at least one set of matched attributes to provide a combined result (**col. 6, lines 66-68; col. 7, lines 8-28**).

In regards to **claim [c0002]**, Bohm teaches the method of claim 1, further including the step of filtering said combined result according to pre-selected criteria (**col. 2, lines 5-8; col. 8, lines 11-19, 30**).

In regards to **claim [c0003]**, Bohm teaches the method of claim 2, further including the step of filtering said combined result according to matching a selected attribute (**col. 2, lines 5-8; col. 7, lines 15-28, 58-59; col. 8, lines 11-19, 30**).

Claims [c0005]–[c0007] are rejected with the same rationale as given for claims [c0001] - [c0003]. In this case, the preamble is not necessary to “breathe life” into the claim. Rather, the limitations are able to stand alone.

Claims [c0009]–[c0011] are rejected with the same rationale as given for claims [c0001] - [c0003], and **Fig. 1 and col. 2, line 47 – col. 3, line 28**.

Claims [c0013]–[c0015] are rejected with the same rationale as given for claims [c0001] - [c0003].

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

Art Unit: 2163

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. **Claims [c0004], [c0008], [c0012], [c0016], and [c0017]** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bohm** in view of **Wheeler et al.** (US 6,618,727, hereafter "Wheeler") and **Lambert** (US 6,529,892).

In regards to **claim [c0004]**,

"The method of claim 1, further comprising the step of employing a Metaphone based analysis, a Phonex based analysis, a Soundex based analysis, an N-gram based analysis, an edit-distance based analysis and a dictionaries based analysis,"

Bohm teaches all of the limitations of claim 1 (**see 102(b) rejection of claim [c0001]**), and also teaches an N-gram based analysis (**Bohm, col. 5, lines 41-50**), an edit-distance based analysis (**Bohm, col. 6, lines 7-14**), and a dictionaries based analysis (**Bohm, col. 3, line 57 – col. 4, line 14, where "dictionary" is defined by The American Heritage College Dictionary, Fourth Edition, as "A list of words stored in machine-readable form for reference, as by spelling-checking software."**).

Bohm does not expressly teach a Metaphone based analysis, a Phonex based analysis, and a Soundex based analysis. **Wheeler** teaches a Metaphone based analysis and a Soundex based analysis (**Wheeler, col. 11, lines 30-38**). **Lambert** teaches a Phonex based analysis (**Lambert, col. 24, line 42 – col. 25, line 11**). It would have been

obvious to one of ordinary skill in the art at the time of the applicant's invention to apply the metaphone and soundex based analyses disclosed in Wheeler and the phonix based analysis disclosed in Lambert with the search method of Bohm to gain the advantage of improved search intelligence.

Claim [c0008] is rejected with the same rationale as given for claim [c0004]. In this case, the preamble is not necessary to "breathe life" into the claim. Rather, the limitations are able to stand alone.

Claim [c0012] is rejected with the same rationale as given for claim [c0004], and **Fig. 1 and col. 2, line 47 – col. 3, line 28.**

Claims [c0016] and [c0017] are rejected with the same rationale as given for claim [c0004].

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Kavita Padmanabhan** whose telephone number is **571-272-8352**. The examiner can normally be reached on Monday-Friday, 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2163

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kavita Padmanabhan
Assistant Examiner
Art Unit 2163

K.P.

May 27, 2005



UYEN LE
PRIMARY EXAMINER